

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 196 - HB 261

April 15, 2019

**SUMMARY OF ORIGINAL BILL:** Makes various changes to the *Right to Earn a Living Act*. Authorizes any person to petition any licensing authority to repeal or modify any entry regulation or service restriction into a business or profession within its jurisdiction, including rules promulgated relative to statute. Exempts the health related boards.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – Due to multiple unknown factors, the exact impact of the proposed legislation cannot be determined with reasonable certainty.

IMPACT TO COMMERCE OF ORIGINAL BILL:

Other Fiscal Impact – Due to multiple unknown factors, an impact to commerce and jobs in Tennessee cannot be determined with reasonable certainty.

**SUMMARY OF AMENDMENTS (006605, 007904, 008052):** Amendment 006605 deletes and rewrites all language after the enacting clause. Makes various changes to the *Right to Earn a Living Act*. Authorizes an affected person to petition a licensing authority to repeal or modify an entry regulation within its jurisdiction, including entry regulations promulgated relative to statute. Exempts any state agency, regulatory board, commission, council, or committee that regulates a person under Title 38; Title 41; Title 45; Title 47, Chapter 30; Title 48; Title 49; Title 56; Title 62, Chapter 1; Title 63; or Title 68, Chapter 11 or Chapter 140.

Amendment 007904 adds language to Amendment 006605 that states a prevailing plaintiff is not entitled to and shall not be awarded damages, costs, or attorney fees, for a cause of action; and deletes the provision that states a cause of action does not exist under Title 1, Chapter 3 to seek damages, costs, or attorney fees.

Amendment 008052 deletes the language Title 62, Chapter 1; Title 63 in Amendment 006605 and replaces it with the language Title 62, Chapter 1; Title 62, Chapter 5; Title 63.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

SB 196 - HB 261

Assumption for the bill as amended:

- Due to multiple unknown factors such as how many individuals will choose to petition any non-exempt state agency, regulatory board, commission, council or committee in the executive branch that issues a license, certification, registration, permit or other similar document, and how many repeals or modifications would occur for entry regulations or service restrictions, a fiscal impact cannot be determined with reasonable certainty.

## **IMPACT TO COMMERCE WITH PROPOSED AMENDMENTS:**

**Unchanged from the original fiscal note.**

Assumption for the bill as amended:

- Due to multiple unknown factors, such as how many repeals or modifications will occur as a result of the established petition process, an exact impact to commerce and jobs in Tennessee cannot be determined with reasonable certainty.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jem